

## REMARKS

Claims 1-5, 7-11, 13-15, and 28-40 were pending. Claims 1-5, 7-11, 13-15, and 28-40 are rejected.

Claims 1-3, 7, 8, 11, 13-15, 28, 33, 36, 38, and 39 are amended. Claims 5-6, 16-27, and 31 are cancelled.

As discussed below, all of the claims are in condition for allowance. But if after considering this response, the Examiner does not allow all of the claims, then the Applicant's agent requests that the Examiner contact him to schedule and conduct a telephone interview before issuing a subsequent office action.

### Rejection of Claims 1, 7-11, 13, 14, 28, 31-34, and 38-40 Under 35 U.S.C. § 102(b) Over Baker (U.S. 3,464,115)

#### Claim 1.

Claim 1 is amended. Claim 1 recites a spreader body, a vertical shaft coupled to the spreader body, and two articulating film mounting arms coupled for rotation relative to the vertical shaft and defining respective articulating film forceps receiving channels.

For example, FIG. 2 shows a spreader body 50 that holds two marking film mounting arms 53 and 54 supported for rotation on a shaft that extends from a bolt head 59 to a knurled nut 60.

In contrast, Baker does not disclose marking film mounting arms. Baker does not disclose any receiving channels in the marking film mounting arms for receiving articulating film forceps or any other kind of forceps. Baker also does not disclose articulating film mounting arms coupled for rotation around a common vertical shaft.

Thus, Baker does not disclose or reasonably suggest all the limitations of claim 1, and claim 1 is allowable over Baker.

#### Claims 7-11, and 13.

Claims 7-11 and 13 are allowable by virtue of their dependency from claim 1 and for at least the reasons given for claim 1.

**Claim 14.**

Claim 14 is amended.

Claim 14 recites a holding arm, a spreader body including a vertical slot for coupling to the holding arm and a vertical shaft, and marking film mounting arms coupled for horizontal angular motion around the shaft relative to the spreader body and configured to receive forceps that hold articulating film.

Support for claim 14 may be found at locations similar to those given for claim 1, above.

In contrast, Baker does not disclose a holding arm and a spreader body including a vertical slot for coupling to the holding arm. Baker does not disclose marking film mounting arms configured to receive forceps that hold articulating film. Baker does not disclose marking film mounting arms that rotate around a common shaft.

Accordingly, Baker does not disclose or reasonably suggest all the limitations of claim 14, and claim 14 is allowable over Baker.

**Claim 28.**

Claim 28 is amended.

Claim 28 recites a nose post for coupling to safety glasses, a holder rod extending vertically down from the nose post to a patient's mouth, a spreader body reversibly coupled to the holder rod by a fork joint, and a pair of marking film mounting arms rotatably coupled to the spreader and able to accept marking film forceps into holding slots.

In contrast, Baker does not disclose a nose post for coupling to safety glasses. Baker does not disclose a holder rod extending downward from the nose post. Baker does not disclose a spreader body coupled to the holder rod by a fork joint. Baker does not disclose marking film mounting arms with holding slots for receiving marking film forceps.

Thus, Baker does not disclose or reasonably suggest all the limitations of claim 28, and claim 28 is allowable over Baker.

**Claims 32-34 and 38-40.**

Claims 32-34 and 38-40 are allowable by virtue of their dependence from claim 28 and for at least the reasons given for claim 28.

**Rejection of Claims 2-5, 15, 36, and 37 Under 35 U.S.C. § 103(a) Over Baker In**  
**View of Evans (U.S. 1,052,806)**

**Claims 2-4.**

Claims 2-4 are allowable by virtue of their dependence from claim 1 and for at least the reasons given for claim 1 above.

Claim 5 is cancelled.

**Claim 15.**

Claim 15 is allowable by virtue of its dependence from claim 14 and for at least the reasons given for claim 14. Also neither Baker nor Evans disclose safety glasses that include a nose post.

**Claims 36-37.**

Claims 36 and 37 are allowable by virtue of their dependence from claim 28 and for at least the reasons given for claim 28.

Also, neither Baker nor Evans disclose safety glasses that include a nose post.

**Rejection of Claims 29, 30, and 35 Under 35 U.S.C. § 103(a) Over Baker**

Claims 29, 30, and 35 are allowable by virtue of their dependence from claim 28 and for at least the reasons given for claim 28.

Also, with respect to claim 35, Baker's apparatus is adjustable by means of a threaded shaft that is cranked to modify the width of its jaws. There would apparently be insufficient mechanical advantage at the jaws to affect the cranking force necessary to adjust the width of Baker's jaws. Therefore, the inclusion of a spring to urge the jaws against the cheeks of a patient would apparently be ineffective, and thus its inclusion would not be obvious.

Should any additional fees be required, please charge them to Deposit Account No. 07-1897.

If the Examiner believes that a telephone interview would be helpful, he is respectfully requested to contact the Applicant's agent at (425) 455-5575.

Dated this 14<sup>th</sup> day of January, 2008.

Respectfully submitted,

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